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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,433	06/04/2001	Margo N. Whale	10007200-1	5662

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,433

Applicant(s)

WHALE, MARGO N.

Examiner

Eron J Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 38-40,42,45,52,53, and 55, are rejected under 35 U.S.C. 102(b) as being anticipated by Applegate et al. (U.S. Patent No. 5,995,774 hereinafter "Applegate").

3. Referring to method claims 38 and 51, Applegate teaches a method, comprising:

receiving a replaceable printing component that has been utilized within the printing device and subsequently removed from the printing device, the replaceable printing component having print media usage data maintained therewith, the print media usage data collected during one or more printing operations (see lines 21-31 of column 5 and paragraph bridging columns 6 and 7);

retrieving the print media usage data from the replaceable printing component after the memory component has been removed

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from the printing device (see paragraph bridging columns 6 and 7); and

utilizing the printing-related data for printing analysis (see lines 8-21 of column 28).

4. Referring to claim 39, Applegate teaches receiving a replaceable component of the printing device (see paragraph bridging columns 9 and 10).

5. Referring to claim 40, Applegate teaches the component being reusable (recyclable) (see lines 46-50 of column 5).

6. Referring to claims 42 and 55, Applegate teaches wherein receiving the component includes receiving a toner cartridge of the printing device (see lines 21-31 of column 5).

7. Referring to claim 45, Applegate teaches the printing-related data includes print media usage data collected when the printing device is operational (see lines 10-26 of column 6).

8. Referring to claim 52, Applegate teaches retrieving the print media usage data from a memory component of the

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replaceable printing component (see paragraph bridging columns 6 and 7).

9. Referring to claim 53, Applegate teaches the print media usage data is further collected during the one or more printing operations of a printing device with the replaceable printing component configured for operation with the printing device, and wherein receiving the replaceable printing component includes receiving the replaceable printing component in an inoperable state and removed from the printing device (see paragraph bridging columns 6 and 7).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 41, 44, 54, 57, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applegate in view of Ito et al. (USPN: 6,658,219 hereinafter "Ito").

12. Referring to claims 41 and 54, Applegate teaches the component being reusable (recyclable) (see lines 46-50 of column 5), however Applegate fails to teach receiving the component via a replaceable component recycle program.

Ito, in an analogous system, teaches the above limitation (see lines 10-16 of column 15).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Applegate with the teachings of Ito. One of ordinary skill in the art would have been motivated to make such modification in order to reduce manufacturing costs by recycling the components.

13. Referring to claims 61 and 62, Applegate fails to teach manufacturer of the replaceable printing component receives the replaceable printing component and retrieves the print media usage data.

Ito, in an analogous system, teaches the above limitation (see lines 10-35 of column 15).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Applegate with the above teachings of Ito. One of

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ordinary skill in the art would have been motivated to make such modification in order to prevent a cartridge from being used at the lapse of its lifetime as suggested by Ito (see lines 8-13 of column 4).

14. Claims 43, 44, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applegate in view of Helterline et al. (USPN: 6,039,430 hereinafter "Helterline").

15. Referring to claims 43 and 56, Applegate fails to teach utilizing the printing-related data for marketing analysis.

In an analogous method, Helterline teaches the above limitation (see lines 6-21 of column 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Applegate with the above teachings of Helterline. One of ordinary skill in the art would have been motivated to make such modification in order to be able to improve the design of the printer as suggested by Helterline (see lines 6-21 of column 7).

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16. Referring to claims 44 and 57, Applegate fails to teach developing a product distribution scheme based on the print media usage data.

Helterline, in an analogous method, teaches the above limitation (see paragraph bridging columns 7 and 8).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Applegate with the above teachings of Helterline. One of ordinary skill in the art would have been motivated to make such modification in order to improve the way the printer components (products) are marketed (distributed) as suggested by Helterline (see lines 6-21 of column 7).

17. Claims 46-50 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applegate in view of McGraw (USPN: 6,097,497).

18. Referring to claims 46-50 and 58-60, Applegate teaches the printing-related data includes a total number of print media routed (see paragraph bridging columns 27 and 28).

McGraw teaches determining the number of a particular type of print media having a determinable media identifier and storing that information along with statistical information

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(percentages) concerning the types of media determined (see lines 38-53 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Applegate with the teachings of McGraw. One of ordinary skill in the art would have been motivated to make such modification in order to accurately predict the characteristics of any unmarked media type as suggested by McGraw (see lines 38-53 of column 6).

Response to Arguments

19. Applicant's arguments with respect to claims 38-45, 51-57, 61 and 62 have been considered but are moot in view of the new ground(s) of rejection. As per applicant's arguments pertaining to claims 46-50 and 58-60, wherein the applicant argues that McGraw fails to teach storing printing-related data including a total number of a particular type of print media having a determinable identifier (see lines 3-10 of page 13 of applicant's remarks), the Examiner disagrees. McGraw teaches, at lines 38-53 of column 6, "In a further extension of the present invention, the augmented printer of the present invention accumulates information about the varieties of "smart paper" typically used by the user to statistically predict the

characteristics of any unmarked print medium that is fed through the printer." This citation shows that information about the total number of particular types of print media is stored to statistically (based on percentages) make predictions about other unmarked media and shows McGraw teaches the limitation of storing printing-related data including a total number of a particular type of print media having a determinable identifier.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
December 14, 2004


KIM HUYNH
PRIMARY EXAMINER

12/16/04